

Message Text

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ACTION SNM-05

INFO OCT-01 AF-10 ISO-00 DEAE-00 CA-01 PPTE-00 L-03
SCS-06 /026 W
-----078835 041029Z /21

R 031318Z AUG 78
FM AMEMBASSY LILONGWE
TO SECSTATE WASHDC 2141

UNCLAS LILONGWE 1217

E.O. 11652: N/A

TAGS: SNAR
SUBJECT: NARCOTICS LAWS

REF: STATE 170187

1. FOLLOWING IS SUMMARY OF MALAWIAN LAWS ON THIS
SUBJECT:

2. POSSESSION:

A. THERE IS NO DIFFERENTIATION IN THE LAW FOR
VARIOUS NARCOTICS. (ONLY MARIJUANA FOUND IN MALAWI.)
B. THERE IS NO QUALIFYING AMOUNT TO BE IN POSSESSION.
C. PENALTIES FOR POSSESSION ARE THE SAME AS FOR
OTHER NARCOTICS OFFENSES, I.E., FINE OF \$1200 AND
IMPRISONMENT FOR 10 YEARS; PROVISIONS ARE STRICTLY
ENFORCED FOR MALAWIAN OFFENDERS BUT IN TWO CASES INVOLVING
AMERICANS, LOCAL AUTHORITIES LEVIED GREATLY REDUCED
FINES (\$60-\$70 PER PERSON) AND EXPELLED THEM FROM THE
COUNTRY RATHER THAN IMPRISONING THEM.

3. TRAFFICKING:

A. LAW CONSOLIDATES ALL CONTROLLED SUBSTANCES
INTO A GENERAL TRAFFICKING OFFENSE.
B. THERE ARE NO MAXIMUM AND MINIMUM PENALTIES
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(SEE PARA 2, SECTION C, ABOVE).

C. OFFENSES ARE ABSOLUTE, I.E., EITHER ONE IS OR
IS NOT IN POSSESSION, ETC...
D. ALL NARCOTICS OFFENSES ARE CONSIDERED TO BE
CRIMINAL OFFENSES.

4. CULTIVATION, PRODUCTION, ELABORATION:

- A. CULTIVATION OF ITEMS MENTIONED ARE ALL PROHIBITED BY LAW.
- B. NOT APPLICABLE.
- C. SAME PENALTIES AS ABOVE.

5. FINANCIAL;

- A. SAME PENALTIES AS ABOVE.
- B. ALL CURRENCY TO BE REPATRIATED MUST CLEAR
RESERVE BANK OF MALAWI WITHOUT EXCEPTION.

6. CRIMINAL PROCEDURE:

- A. THERE IS PERIOD OF INVESTIGATIVE DETENTION IN
THE LAW (28 DAYS) BUT IT WAS GENERALLY IGNORED AND
WAS SUSPENDED MARCH 1977 BY GOM NOTICE. CONSULAR ACCESS, WE
PRESUME, WOULD BE PERMITTED BUT,
DURING PAST FOUR YEARS, EMBASSY HWS LEARNED OF ONLY TWO CASES
INVOLVING AMERICANS AFTER THEY HAVE BEEN DISPOSED OF.
- B. PRE-TRIAL DETENTION IS AT LEAST 2 MONTHS.
- C. TRIALS TAKE AVERAGE 2-3 DAYS, INCLUDING
REVIEW/CONFIRMATION. APPELLATE PROCESS TAKES 2-4
WEEKS.
- D. YES.
- E. PAROLE AVAILABLE BUT USUALLY NOT FOR NARCOTICS
AND OTHER SERIOUS OFFENSES.
- F. YES, SEE 2 (C) ABOVE.

7. MALAWI CUSTOMS OFFICIAL INFORMED US THAT SAME
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QUESTIONNAIRE HAD BEEN CIRCULATED RECENTLY BY
BRUSSELS-BWSED CUSTOMS COOPERATION COUNCIL.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: NARCOTICS
Control Number: n/a
Copy: SINGLE
Draft Date: 03 aug 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 jan 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978LILONG01217
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780320-1186
Format: TEL
From: LILONGWE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t197808103/aaaadijf.tel
Line Count: 97
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 7a170358-c288-dd11-92da-001cc4696bcc
Office: ACTION SNM
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 78 STATE 170187
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 01 jul 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1549632
Secure: OPEN
Status: NATIVE
Subject: NARCOTICS LAWS
TAGS: SNAR, MI
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/7a170358-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014